



SCHOOL ADMISSION APPEALS

GUIDANCE BOOKLET

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February 2020

INTRODUCTION

If your child has not been offered a place at the school you would prefer him or her to attend, you may wish to appeal against the local authority's decision. To do this, the local authority arranges an Independent Appeal Panel to consider the case. The Panel is not part of the local authority or any admission authority. An appeal is your chance to explain to three independent people why you think you should be offered a place at your preferred school.

Your appeal will be heard privately and all paperwork relating to your appeal will be confidential. The only people who will see your appeal papers will be the three independent appeal panel members, the clerk, the School Admissions Team and the Council's Legal team if necessary.

This booklet has been produced to give you an overview of the appeals process and answers some frequently asked questions. This is not a full statement of the law or guidance and if you require further information please see further contact details at the end of this booklet.

You can complete an appeal form online at:

<http://www.bracknell-forest.gov.uk/schooladmissionsappeals>

The Government have published a helpful guide for parents School Appeals work, at the following address: <https://www.gov.uk/government/publications/admission-appeals-for-school-places/advice-for-parents-and-guardians-on-school-admission-appeals>

This booklet contains information on the following which is specific to Bracknell Forest:

[Before the Appeal](#)

[At the Appeal](#)

[After the Appeal](#)

BEFORE THE APPEAL

How do I appeal?

In order to appeal, you need to have an offer letter from your local authority which refuses your child a place at one or more of your preferred schools. This means that if you haven't been offered any of your preferences or have not been allocated your first or second preference, you have the right to appeal for these schools.

Your appeal must be submitted using the online appeal form found on our website. If you are unable to complete the form online, please contact Customer Services. We look after the school admission appeals for all of the Bracknell Forest schools (except those listed below).

If you have been refused a place at one of the following schools, these schools have their own appeals processes and you should contact them directly to submit an appeal.

- **Binfield Church of England Primary School**
- **Brakenhale School**
- **Crown Wood Primary School**
- **St Michael's Church of England Primary School, Sandhurst**
- **Jennett's Park Church of England Primary School**
- **Ranelagh Church of England School**
- **Wildmoor Heath School**

Schools in other boroughs

We also conduct school admission appeals for the following schools in neighbouring boroughs:

- **St Crispin's School**
- **Nine Mile Ride Primary School**
- **Hatch Ride Primary School**
- **Shinfield Infant School (as of 1 April 2020)**
- **King's Academy Binfield – Primary, Secondary and Oakwood**

If you are appealing for a place at any other school in another local authority, please contact the relevant local authority to discuss their process.

Can I appeal for more than one school?

Yes, you can appeal for any school that you listed as a preference on your application form, however you would need to seek advice from the Customer Services team if you wished to appeal for a school that was one of your lower preferences. For example, if you were offered your first preference school and then wanted to appeal for a place at a lower preference school.

What do I need to include in the grounds/reasons for submitting the appeal?

You should set out your reasons why you want your child to attend your preferred school and what the school can offer your child that other schools cannot. You may also give reasons why the allocated school may be unsuitable.

You can also provide other information and evidence to support your case for example a letter or statement from doctors, health professionals, or social workers.

What happens next?

You will receive an email to acknowledge receipt of your appeal form. Approximately two weeks ahead of the appeal you will receive an email advising you of the date, time and venue for your appeal hearing. The School Admissions team will prepare the school's case in response to your appeal and this will be sent to you at least a week before the appeal hearing takes place.

You can submit additional information in support of your appeal up until at least three working days before the day of your appeal hearing. However, we would encourage you to submit all information as soon as possible after lodging your appeal, to allow all parties to have sufficient time to consider it.

When will my appeal be heard?

Appeals lodged for children to begin school at primary, infant or junior school in September are usually heard in the preceding June and July.

Appeals lodged for children to start secondary school in September are usually heard in the preceding May.

Appeals lodged for children to start school during the school year or 'in-year' are heard within 30 school days of the appeal being lodged.

How much notice will I get?

By law you are entitled to 10 school days' notice of the date and time of the appeal hearing.

It is often not possible to offer you an alternative date and time, but if there are exceptional reasons why you cannot attend, you should contact Customer Services.

AT THE APPEAL

Where will the appeal be held?

Appeals are usually held in the Council's Time Square, Market Street offices in the town centre. Details of the venue will be sent to you in advance of the appeal hearing.

How long will my appeal hearing last?

Your appeal will usually last for about 40 minutes. However, you will be given as much time as you need to present your case to the Panel so an appeal can take longer.

Do I need to attend?

Your attendance at the appeal hearing will help the Appeal Panel to understand the circumstances relating to your case.

If you are unable to attend the hearing and it is not practical to offer you an alternative date, or if you decide not to attend, then your appeal can be decided on the written information that you have submitted.

Can I bring anyone with me to help me present my case?

You can ask someone to attend to help you put your case to the Panel. You may be accompanied or represented by a family member, a friend or advisor provided they are not an employee of the school in question.

Can I bring my child?

Attendance at appeals can be distressing for some children; therefore unless there are exceptional reasons, your child **should not** attend.

What do I do if I need special arrangements, or an interpreter, to enable me to attend the hearing?

If you have a disability, require the services of a translator or require any other arrangements to help you attend the hearing please contact Customer Services so that these can be arranged.

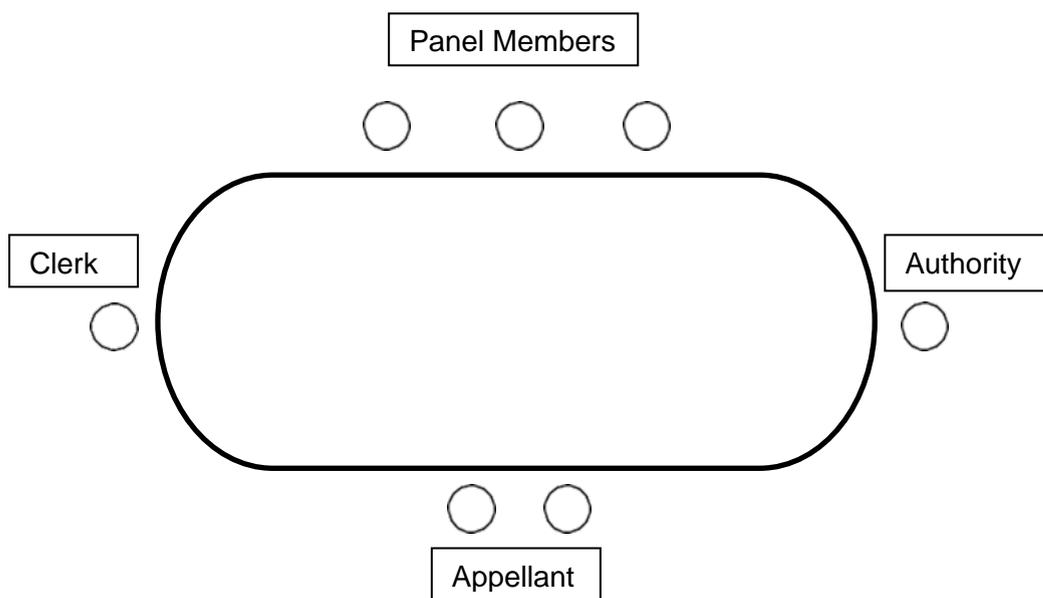
Who will be at the appeal?

The Appeals Panel will be made up of three people who are independent of the local authority and the school. At least one member of the panel will be experienced in education, such as a retired teacher, and at least one of the others must be a lay member. One of the Panel members will act as Chairman and will explain the proceedings to you.

The Appeals Clerk and the Presenting Officer for the Admissions Team will also be present.

The Presenting Officer may also be accompanied by a representative from the school for example the Headteacher, or a member of the School's Governing Body.

The layout of the appeal is usually set out as follows:



What happens at the appeal hearing?

The Chair will explain the procedure to you and how the appeal will be considered:

1. Welcome and Introductions
2. The School's case is put by the Admission Authority Presenting Officer
3. Panel members can ask questions of the Admission Authority's Case
4. You can ask questions of the Admission Authority's Case
5. You will then be given the opportunity to give all your reasons for wanting your preferred school and why you feel you should be offered a place there
6. The Presenting Officer can ask you questions
7. Panel may ask you questions
8. You and the Presenting Officer can sum up your cases before leaving the hearing
9. Panel then make the decision in private (the Clerk will remain with the Panel while they make their decision)

What do I need to prepare?

To prepare for the hearing, you should:

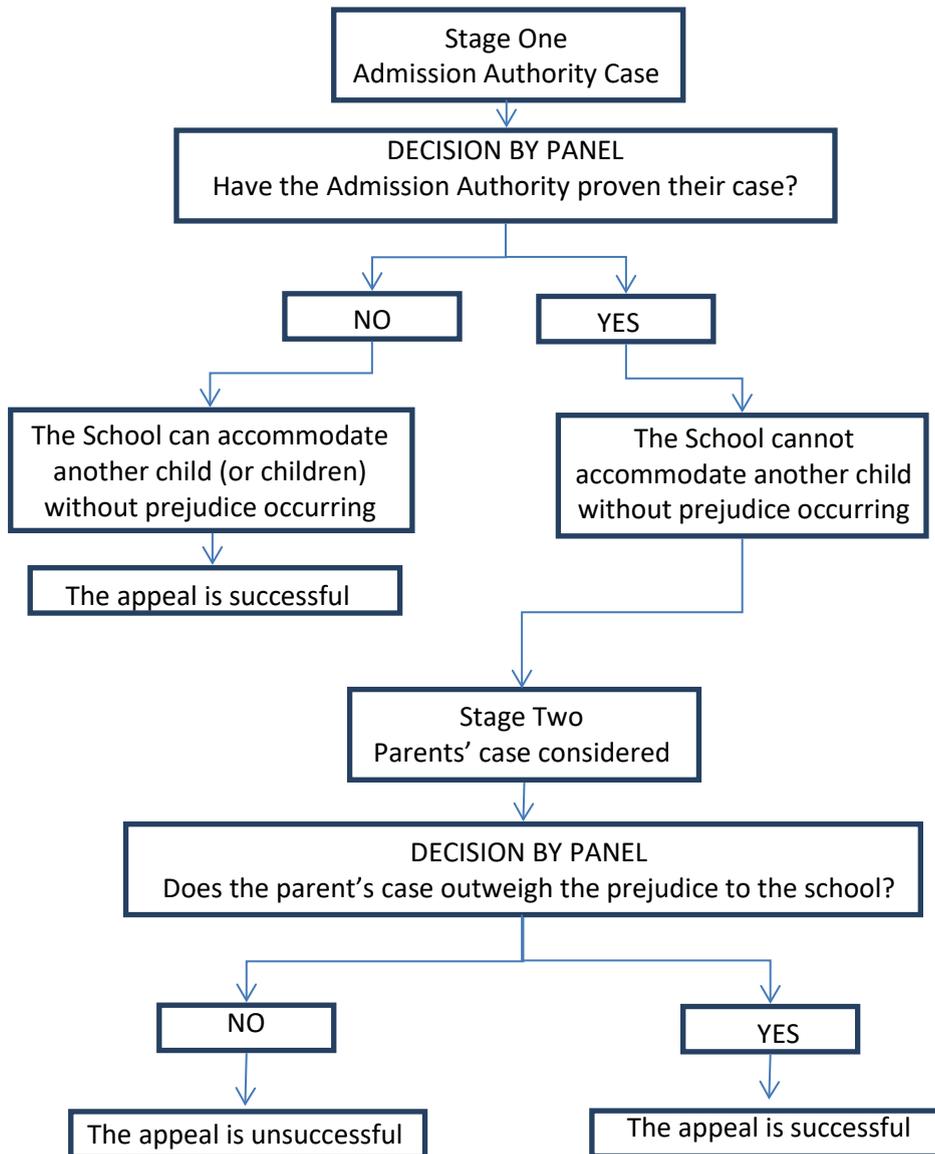
1. Consider whether you wish to submit any additional material in support of your case, this must be submitted at least three working days before the appeal hearing.
2. Make a note of any statements in the local authority's case which you may want to ask questions about or seek clarification on at the hearing.

3. Be prepared to respond to questions at the hearing from the Presenting Officer and from the Panel.

4. Be ready with any factual clarifications of your case such as the dates of previous changes of address or school.

How are appeals determined?

For school admission appeals **not** relating to Infant Class Size legislation, the decision making follows the 2 stage process below:



What is a 'grouped stage' appeal?

Where there are multiple appeals for the same school, you may be invited to a 'grouped stage' in addition to your personal appeal. This means that all parents appealing for the school are invited to hear Stage One (in the above diagram) at the same time. This means that all parents hear the same information from the Admission Authority, and are able to hear the Authority's answers to other parents' questions. You are able to ask questions of the Admission Authority in person, or to submit written questions in advance which will be read out by the clerk. It is important to note that no individual cases or situations will be considered at a grouped stage appeal, which will only consider the case of the Admission Authority.

You will also be invited to a Stage Two appeal where your case will be considered individually by the Panel.

What does 'infant class size' mean?

The term 'infant class size' refers to classes in Reception (ages 4-5), Year 1 (ages 5-6) and Year 2 (ages 6-7). **Local Authorities must comply with the legal requirement that that there should be no more than 30 pupils in an infant class with a single qualified teacher.**

There are a number of exceptional circumstances where a local authority may admit more than 30 pupils to a Reception, Year 1 or Year 2 class, these are as follows:

- a) children admitted outside the normal admissions round with statements of special educational needs specifying a school;
- b) looked after children admitted outside the normal admissions round;
- c) children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- d) children admitted after an independent appeals panel upholds an appeal;
- e) children who move into the area outside the normal admissions round for whom there is no available school within reasonable distance;
- f) children of UK service personnel admitted outside the normal admissions round;
- g) children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- h) children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.

What is the decision making process for an infant class size appeal?

Where infant class size prejudice has been put as a reason for refusing a child a place at a preferred school, there are very limited grounds for appeal.

An appeal can only be upheld if the appeal panel is satisfied that:

- a. **the admission of additional children would not breach the infant class size limit;**
- b. **the admission arrangements did not comply with admissions law or were not correctly and impartially applied and the child would have been offered a place if the arrangements had complied or had been correctly and impartially applied; or**
- c. **the decision to refuse admission was not one which a reasonable admission authority would have made in the circumstances of the case.**

If you are appealing under b), you must show that there has been an error in the way the local or the statutory admission arrangements were applied. You must also show the panel that if this error hadn't occurred, your child **would** have been offered a place.

If you are appealing under c), you must show why the decision to refuse admission to your preferred school was not a reasonable one. The word 'reasonable' in this instance is given

as a legal definition. The panel must decide whether the decision was so perverse or outrageous that no reasonable Admission Authority could have made that decision to refuse admission.

Statistics show that **it is rare for an infant class size appeal to be upheld.**

For more details around Infant Class Size appeals, please see the [GOV.UK website](#).

AFTER THE APPEAL

When will I hear the result of my appeal?

You will receive a decision letter from the clerk on behalf of the Panel, within five school days of the appeal hearing.

What happens if my appeal is unsuccessful?

The appeal panel's decision is legally binding on the local authority and the school. There is no further right of appeal against the Panel's decision.

You may remain on the school's waiting list, if the school operates a list. You may also apply for a place at the school in a later academic year.

Where there is a material change of your circumstances since your original appeal, you may be able to submit a further appeal in the same academic year.

What can I do if I'm unhappy with the outcome of the appeal?

If the school is a Local Authority maintained school, you can submit a complaint to the Local Government Ombudsman. If the school is an academy, you will need to submit your complaint to the Education and Skills Funding Agency (ESFA) instead of the LGO. Complaints can only be made if you consider that the procedures were not properly followed, you cannot complain about the decision itself. Contact details for the LGO and the ESFA are found at the end of this booklet.

If you consider that the decision of the Panel was legally flawed, you may seek to apply for a judicial review. This means making an application to the High Court. In such circumstances, you will need to seek your own legal advice. The Council cannot help you with costs. The local authority may also seek a judicial review of the decision of an appeal panel, if it considers it is legally flawed.

CONTACTS FOR MORE INFORMATION

School admission appeal forms should be completed at:
<https://www.bracknell-forest.gov.uk/school-admission-appeals/about-school-admission-appeals>

If you require any further information about the appeals process, please contact the Customer Services Team on 01344 352000 or email:
customer.services@bracknell-forest.gov.uk

ACE Education Advice is an independent charity which provides advice for parents on admissions and admissions appeals:

ACE Education Advice line: (Mon-Wed 10am – 1pm)

Tel: 0300 0115 142

Website: www.ace-ed.org.uk

If you are not satisfied with how your appeal was conducted you may contact the following authorities:

For Local Authority Maintained Schools, contact the Local Government Ombudsman:

Tel: 0300 061 0614

Website: www.lgo.org.uk

For academies, contact the Education and Skills Funding Agency (ESFA)

Website: www.gov.uk/schools-admissions/complain-about-the-appeals-process